

**REMARKS/ARGUMENTS**

Claims 1, 4, 6 and 9 were objected to. Claims 1, 4, 6, and 9 have been amended to correct minor informalities.

Claims 1, 3 to 6 and 9 were rejected under 35 U.S.C. §103 (a) as being unpatentable over Rogala, U.S. 6,394,238. Claim 2 was rejected under 35 U.S.C. §103 (a) as being unpatentable over Rogala in view of Tyler, U.S. 5,318,354. Claims 7 and 8 were objected to, but were indicated as being allowable if rewritten in independent form.

Claims 1, 4 and 9 have been amended. Claims 10 and 11 have been added.

Reconsideration of the application is respectfully requested.

**Claim Objections**

Claims 1, 4, 6 and 9 were objected to. Claims 1, 4, 6, and 9 have been amended to correct minor informalities. Withdrawal of the objections is respectfully requested.

**35 U.S.C. §103 Rejections**

Claims 1, 3 to 6 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Rogala U.S. 6,394,238. Claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over Rogala in view of Tyler, U.S. 5,318,354.

Rogala shows a control valve 36, and further control valves 50, 45, although these may be combined into one valve.

Claim 1 recites a hydropneumatic suspension system for a vehicle having a level control, the system comprising:

a pressurized oil pump;

a reservoir;

a first 2/2 directional control valve in fluid communication with the pressurized oil pump and configured to adjust a level position of the suspension system upward; and

a second 2/2 directional control valve in fluid communication with the reservoir and configured to adjust the level position downward.

As discussed at [0008] and [0011] for example and elsewhere in the specification, the use of the 2/2 directional control valves provides a simple design with good results. The valves need only be switched between the two positions.

The control valve 36 of Rogala necessarily requires more than two positions. To drain the load sense line 38 to the tank return line, the valve 36 must move to the position shown in Fig. 2, and then fluid must drain back through the valve 36.

This provides a complicated structure which the present invention seeks to avoid with the control line structure shown and the use of a single 2/2 directional control valve 15.

It is respectfully submitted that it would not have been obvious to "separate the 4/2 directional control valve by using two 2/2 directional control valves" as asserted in the Office Action as this leads to a different structure which requires separate control lines and extra control for the load sense line. Moreover, it is not clear how the load sense line would then be controlled with a 2/2 valve in the structure provided by Rogala, as a new return line would somehow have to be formed.

It also is respectfully submitted that the cited teaching at col. 3, lines 37 to 39 relates only to the control valves 45, 50, and actually would lead one of skill in the art away from the use of two 2/2 valves for valve 36, as Rogala specifically does not mention any alternatives for valve 36, while mentioning alternative structure for other valves.

It is respectfully submitted that one of skill in the art, after a fair reading of Rogala, would not have provided two 2/2 valves to replace the valve 36.

Withdrawal of the rejection to claims 1, 3 to 6 and 9 is respectfully requested.

With further respect to claim 2, withdrawal of the rejection in light of the above is also respectfully requested.

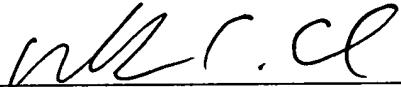
#### New claims

New claims 10 and 11 recite further features of the present invention not shown in Rogala. Support is found in Fig. 2 and [0021] for example.

**CONCLUSION**

The present application is respectfully submitted as being in condition for allowance and applicants respectfully request such action.

Respectfully submitted,  
DAVIDSON, DAVIDSON & KAPPEL, LLC

By:   
William C. Gehris  
Reg. No. 38,156

Davidson, Davidson & Kappel, LLC  
485 Seventh Avenue  
New York, New York 10018  
(212) 736-1940